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Attorneys for Defendants CALIFORNIA WASTE SOLUTIONS, INC., a California corporation (sued incorrectly herein as "CAL WASTE SOLUTIONS"), JIMMY DUONG, RUTH LIU (sued incorrectly as "RUTH LUI"), OSCAR RAMIREZ, STAN BEALE (sued incorrectly herein as "STAN BEAL") and RICH GROGAN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(San Francisco Division)

REGINALD DICKERSON, LLOYD HALL,
BRANDON REED AND HARRISON
BROWN.

Plaintiffs,

V.

CAL WASTE SOLUTIONS, JIMMY
DUONG, RUTH LUI, OSCAR RAMIREZ,
STAN BEAL, RICH GROGAN and DOES 1-
50.

Defendants.

Case No. CV 08 3773 WHA

**RENOTICE OF MOTION TO DISMISS
PURSUANT TO F.R.C.P. 12(B)(6), OR, IN
THE ALTERNATIVE, TO COMPEL
ARBITRATION**

Date: October 2, 2008

Time: 8:00 a.m.

Dept: Courtroom 9, 19rd Floor, 450 Golden Gate Ave., San Francisco, CA 94102

Complaint filed: July 18, 2008

Trial date: None

1 TO: ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on October 2, 2008 at 8:00 a.m., or as soon thereafter as
3 the matter may be heard, in Courtroom 9, 19rd Floor, located at 450 Golden Gate Ave., San
4 Francisco, CA 94102, or such other department to which the Court may assign to this matter, all
5 Defendants will and do hereby move the above-entitled Court for an order dismissing the
6 Complaint of Plaintiffs or, in the alternative, for an order compelling arbitration of the claims set
7 forth in the Complaint.

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9 This motion is brought pursuant to Federal Rule of Civil Procedure, Rule 12(b)(6), based
10 upon Section 301 of the Labor Management Relations Act, and upon such other and further
11 authorities set forth in the attached Memorandum of Points and Authorities filed herewith.

12 Specifically, this motion to dismiss, or, in the alternative, to compel arbitration, seeks
13 relief as follows:

14 (1) Plaintiffs' First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Tenth
15 Cause of Action should be dismissed as, among other things, Plaintiffs have failed to exhaust
16 their grievance remedies under the Teamsters Collective Bargaining Agreement, these Plaintiffs
17 have failed to allege exhaustion of their administrative remedies, and have further failed to state
18 legally cognizable causes of action for sexual harassment, hostile work environment and sexual
19 battery;

20 (2) In the alternative, arbitration is mandatory under the Collective Bargaining
21 Agreement and therefore if the Court is not inclined to dismiss this matter, the Court is
22 nevertheless respectfully requested to order the matter to arbitration and to stay and hold the
23 action in abeyance.

1 This motion shall be based upon this Notice of Motion, the Memorandum of Points and
2 Authorities previously filed, the Plaintiffs' Complaint and exhibits thereto (attached to the Notice
3 of Removal filed by Defendants) the files and records of this action and such other and further
4 oral and documentary evidence as may be introduced or referred to at the hearing on this matter.

5 Dated: August 18, 2008

6 LAW OFFICES OF WALLACE C. DOOLITTLE

7 _____ /S/
8 Wallace C. Doolittle, Esq.
9 Attorneys for Defendants CALIFORNIA WASTE
10 SOLUTIONS, INC., a California corporation (sued
11 incorrectly herein as "CAL WASTE SOLUTIONS"),
12 JIMMY DUONG, RUTH LIU (sued incorrectly as "RUTH
13 LUI"), OSCAR RAMIREZ, STAN BEALE (sued
14 incorrectly herein as "STAN BEAL") and RICH GROGAN
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